IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.5254 of 2008
JAI MANTI DEVI & ANR
Versus
THE STATE OF BIHAR
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2 25.09.2008 This is an application for anticipatory bail on behalf of petitioners Jay Manti Devi and Rampati Devi @ Kunti Devi, who are apprehending arrest in connecting with Dhanarua P.S. Case No.249 of 2004 under Sections 304B & 201/34 of the I.P.C. against the petitioners and seven others.

Heard.

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The petitioners are the Gotanies of the deceased. Anticipatory bail prayer of these two petitioners as made earlier under Cr. Misc. No.16111 of 2006 was dismissed as withdrawn vide order dated 17.05.2006 with an observation that the withdrawal of the petitioner will not prejudice the hearing of regular bail application on merit by the Court-below.

Learned counsel for the petitioners submitted that in view of some important subsequent facts and event the petitioners have again filed this anticipatory bail application for the second time before this Court with

similar prayer.

Learned counsel for the petitioners submits that the husband of the deceased, father-in-law, mother-in-law, Debars as well as the two petitioners who happens to be (her) Gotanies were made accused in the F.I.R. and the allegation was that the husband and Debars as well as other accused persons were demanding dowry of Rs.20,000/- and due to non-fulfillment of demand they killed the deceased and disposed of the dead body. Learned counsel further submitted that on investigation, the Investigating Officer submitted charge-sheets against the main accused namely, Ramanuj Prasad, the husband of the deceased, Girija Prasad and Ram Prabesh Prasad, the Debars of the deceased. Learned counsel referring Annexure-5 i.e., the judgment dated 10.08.2007 of the Addl. Sessions Judge, F.T.C. No. II, Patna, passed in S.T No. 990 of 2006, points out that the said three accused persons namely, Ramanuj Prasad, Girija Prasad and Ram Prabesh Prasad were put on trial and vide judgment dated 10.08.2007 they were acquitted. Learned counsel, has gone through the judgment herein, and has pointed out that

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the informant and other charge-sheeted witnesses were examined by the Trial Court and the Trial Court on coming to the conclusion that on the basis of evidence adduced, prosecution has failed to prove that the accused persons ever demanded dowry and tortured the deceased Saroja Devi and burnt her, the accused persons were acquitted.

Learned counsel continues to submit that on full-fledged trial, the main accused persons namely, the husband and Debars of the deceased have already been acquitted by the Trial Court. Further submission is that these two petitioners, who are the Gotnies of the deceased, were lady inmates and they had no active participation in the family affairs.

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Mr. S. R. Haque, the learned Addl.P.P. does not dispute the acquittal of other accused persons namely, Ramanuj Prasad, Girija Prasad and Ramprabesh Prasad as stated by the learned counsel for the petitioners.

Thus, in view of the subsequent event and facts and circumstances of the case, the prayer for anticipatory bail is allowed and it is directed that in the event of arrest

or surrender within three weeks from the date of receipt of a copy of this order, petitioners named above, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Masaurhi, District-Patna, in connection with Dhanarua P.S. Case No.249 of 2004, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Mkr. **(C.M. Prasad, J.)**

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